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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,290	11/14/2003	James W. DuLaney	006378.00002	1129
28827	7590	02/09/2005	EXAMINER	
GABLE & GOTWALS 100 WEST FIFTH STREET, 10TH FLOOR TULSA, OK 74103			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/713,290

Applicant(s)

DULANEY ET AL.

Examiner

Thuy V. Tran

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-28 is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 9-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03; 5/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the Applicants' filing on 11/14/2003. In virtue of this filing, claims 1-28 are currently presented in the instant application.

Information Disclosure Statement

1. The information disclosure statements (IDSs) submitted on 11/14/2003 and 05/21/2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings submitted on 11/14/2003 are accepted.

Claim Objections/ Minor Informalities

3. Claims 1, 4-6, 9, 14-18, 23, 25, and 28 are objected to because of the following informalities:

Claim 1, line 6, "a" (first occurrence) should be changed to --the--;

Claim 4, line 2, "a" should be changed to --the--;

Claim 5, line 2, "a" should be changed to --the--;

Claim 6, line 2, "a" should be changed to --the--;

Claim 9, line 3, --and-- should be added in front of "producing";

Claim 9, line 4, --and-- should be inserted between "," and "producing";

Claim 14, line 2, "signal" (first occurrence) should be changed to --signals--; "a" (first occurrence) should be changed to --the--; and --and-- should be inserted between "," and "producing";

Art Unit: 2821

Claim 14, line 3, “voltage” (first occurrence) should be changed to --signals-- (for terminology consistency);

Claim 15, line 2, “the” (first occurrence) should be changed to --an--;

Claim 16, line 2, “signal” (first occurrence) should be changed to --signals--; “a” (first occurrence) should be changed to --the--; and --and-- should be inserted between “,” and “producing”;

Claim 16, line 3, “current” (first occurrence) should be changed to --signals-- (for terminology consistency);

Claim 17, line 2, “the” (first occurrence) should be changed to --an--;

Claim 18, line 4, --and-- should be inserted between “,” and “producing”;

Claim 23, line 2, “signal” (first occurrence) should be changed to --signals--; “a” (first occurrence) should be changed to --the--; and --and-- should be inserted between “,” and “producing”;

Claim 23, line 3, “voltage” (first occurrence) should be changed to --signals-- (for terminology consistency);

Claim 25, line 2, “signal” (first occurrence) should be changed to --signals--; “a” (first occurrence) should be changed to --the--; and --and-- should be inserted between “,” and “producing”;

Claim 25, line 3, “current” (first occurrence) should be changed to --signals-- (for terminology consistency); and

Claim 28, line 4, --and-- should be inserted between “,” and “producing”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Canova et al. (U.S. Patent No. 6,081,077).

With respect to claim 1, Canova et al. discloses, in Figs. 1-2, an electronic ballast for supplying electrical excitation to a discharge lamp, the electronic ballast comprises (1) power conditioning circuitry (which includes elements [5, 7A-C, 9, diode]; see Fig. 1) for conditioning electrical power received from a source of electrical power (across terminals [1, 3]; see Fig. 1), and producing a conditioned power signal; and (2) a lamp supply circuit (which includes elements [25, 11-13, 15, 17, 19, 27-29, 31]; see Fig. 1) for receiving the conditioned power signal and producing electrical signals to operate a discharge lamp [L]; said lamp supply circuit includes a programmable processor [27] (see col. 3, line 66) operable to vary an operating parameter (such as increasing supplied current; see col. 4, lines 25-26) of the lamp supply circuit to enable operation of a plurality of lamp types or sizes (see col. 3, line 67 – col. 4, line 6).

With respect to claim 6, Figs. 1 and 2 of Canova et al. show that the lamp supply circuit includes (1) an ignition circuit [15] for producing an oscillating voltage signal for igniting the discharge lamp [L]; and (2) a sustaining circuit [43 in OSC 31] for producing an oscillating current signal to sustain ignition of the discharge lamp.

Art Unit: 2821

With respect to claim 7, Figs. 1 and 2 of Canova et al. show that the sustaining circuit is inductorless.

With respect to claim 8, Canova et al. discloses, in Figs. 1 and 2, that the electronic ballast further comprises (1) a switch [11, 13] having a conductive state and a nonconductive state, and (2) a driver [25] for switching the switch between its conductive and nonconductive states based on the oscillating processor signal (which is provided by OSC 31; see Fig. 1), thereby producing the oscillating current signal.

Allowable Subject Matter

6. Claims 18-28 are allowed.

7. Claims 2-5 and 9-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest:

- An electronic ballast for supplying electrical excitation to a discharge lamp further comprising a programmable inductor circuit having a plurality of inductance values, wherein said programmable processor is operable to select one of said plurality of inductance values for operation of a particular lamp type or size, in combination with the remaining claimed limitations as called for in claim 2;
- An electronic ballast for supplying electrical excitation to a discharge lamp wherein said programmable processor is further operable to produce an oscillating processor signal for use in oscillating the supply circuit at a plurality of frequencies to operate

Art Unit: 2821

discharge lamps of different types or sizes, in combination with the remaining claimed limitations as called for in claim 3 (claims 4-5 would be allowable since they are dependent on claim 3);

- An electronic ballast for supplying electrical excitation to a discharge lamp further comprising a converter for converting the oscillating processor signal to analog format, and producing an analog oscillating signal; and an amplifier for amplifying the analog oscillating signal, and producing said oscillating current signal, in combination with the remaining claimed limitations as called for in claim 9;
- An electronic ballast for supplying electrical excitation to a discharge lamp wherein said power conditioning circuitry includes a power factor correction circuit for adjusting the power factor of the filtered power signal to produce a corrected power signal, in combination with the remaining claimed limitations as called for in claim 10;
- An electronic ballast for supplying electrical excitation to a discharge lamp further comprising a communication port for communicating with the programmable processor from a peripheral device, in combination with the remaining claimed limitations as called for in claim 11 (claims 12-13 would be allowable since they are dependent on claim 11);
- An electronic ballast for supplying electrical excitation to a discharge lamp further comprising a voltage monitor for monitoring the electrical signals provided to the discharge lamp, and producing a voltage monitor signal corresponding to the electrical signals sensed by the voltage monitor, in combination with the remaining

Art Unit: 2821

claimed limitations as called for in claim 14 (claim 15 would be allowable since it is dependent on claim 14);

- An electronic ballast for supplying electrical excitation to a discharge lamp further comprising a current monitor for monitoring the electrical signal provided to the discharge lamp, and producing a current monitor signal corresponding to the electrical signals sensed by the current monitor, in combination with the remaining claimed limitations as called for in claim 16 (claim 17 would be allowable since it is dependent on claim 16);
- An electronic ballast for supplying electrical excitation to a discharge lamp comprising a programmable processor operable to produce an oscillating processor signal for use in oscillating the supply circuit at a plurality of frequencies to operate discharge lamps of different types or sizes, in combination with the remaining claimed limitations as called for in independent claim 18 (claims 19-27 are allowed since they are dependent on claim 18); and
- An electronic ballast for supplying electrical excitation to a discharge lamp comprising a programmable processor operable to produce an oscillating processor signal for use in oscillating the supply circuit at a plurality of frequencies to operate discharge lamps of different types or sizes, in combination with the remaining claimed limitations as called for in independent claim 28.

Citation of relevant prior art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2821

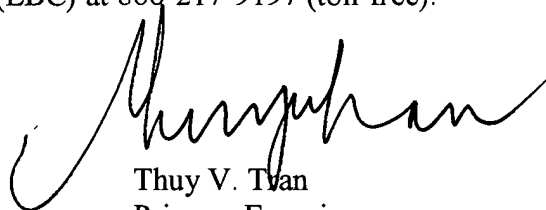
Prior art Stevens (U.S. Patent No. 6,844,682) discloses a fluorescent ballast with lighting emergency capabilities.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thuy V. Tran
Primary Examiner
Art Unit 2821

02/06/2005